

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Anatoly S. Weiser § Atty.Dkt.No.: 6057-27400
Serial Number: 10/698,297 § Examiner: Monikang, George C.
Filing Date: October 31, 2003 § Group/Art Unit: 2614
Title: SOUND-ACTIVATED § Conf. No.: 1393
RECORDING, TRANSMISSION,
AND PLAYBACK §

******CERTIFICATE OF E-FILING TRANSMISSION******

I hereby certify that this correspondence is being transmitted
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On: April 1, 2011
Date

/Eric B. Min/
Eric B. Min, # 54,761

REQUEST FOR REFUND OF EXTENSION FEE

Please let this serve as a formal request for a refund of the Two-Month Extension Fee in the amount of \$490.00.

In the present case, a Final Office Action was issued on September 2, 2010. Applicant filed a Response to Final Office Action on October 25, 2010, within two months of the date of the Final Office Action. An Advisory Action was issued on November 24, 2010 noting that the Office Action of September 2 “was wrongfully made final and should be considered a non-final office action.” However, despite the statements made in the Advisory Action and Applicant’s Response submitted on October 25 to the Office Action dated September 2, the PAIR system indicated that the case was still under a Final Office Action.

Applicant filed a communication (styled “Supplemental Amendment”) on February 2, 2011, requesting clarification of the record as to the procedural posture of the case. It appears that the USPTO charged Applicant’s debit account for a Two-Month Extension Fee in relation to this February 2 communication. However, the communication was filed without a Petition for Extension of Time, only to request clarification of the procedural posture of the case (no amendments to the claims or arguments as patentability were submitted in the communication).

Thus, Applicant respectfully requests the **Commissioner refund the amount of \$490.00** to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-27400/EM. If you have any questions or comments, please do not hesitate to contact me at (512) 853-8862.

Respectfully submitted,

Date: April 1, 2011

By: /Eric B. Min/
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